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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,968	08/21/2001	Keigo Ihara	212969US6	5890

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,968

Applicant(s)

IHARA ET AL.

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to RCE/Amendment filed 2/6/2006

1. Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- i) As per claims 1, 6, and 8, the newly amended limitation of "said processing server being a separate device and separated from said reservation control apparatus by the network" is not supported by Applicant's Specification. The specification discloses that the streaming server and the server reservation control center communicate through a dedicated line (Paragraph 0059). However, this does not support the basis that the processing server and the reservation control apparatus are separate devices.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 3, 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaba et al, US Patent #6,510,556 (Kusaba hereinafter), in view of Cao, US Patent #6,782,550 (Cao hereinafter) and Garrity et al, US Patent #6,230,205 (Garrity hereinafter).

6. As per claims 1, 6, and 8, Kusaba teaches substantially the invention as claimed including a method, apparatus, and storage medium for enabling a user using a user terminal apparatus to make a reservation request to a reservation control apparatus to reserve a desired service supply time period for using a processing server that performs predetermined processing, the reservation control apparatus controlling a reservation state of said processing server via a network so as to permit said user terminal apparatus to use functions of said processing server by accessing said processing server via the network, Kusaba's teachings comprising:

 sending reservation request information including the desired service supply time period for using said processing server from said user terminal apparatus to said reservation control apparatus via the network (Fig. 2; Fig. 4B; Col 4, lines 7-35, 57-63. Client requests reservation for content.), .

 said reservation control apparatus determining if the reservation request for using said processing server during said desired service supply time period will be accepted (Col 5, lines 6-26. Determines if reservation time will be accepted or not.)

7. Kusaba teaches of providing an updated schedule table when the reservation request is accepted (Col 5, lines 53-58). However, Kusaba does not teach of said processing server being a separate device and separated from said reservation control apparatus by the network; and transmitting from said reservation control apparatus to said user terminal apparatus via the network if the reservation request is accepted, said current time reference value determining

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when said reservation state of said processing server will permit access by the user terminal apparatus to the processing server for using the processing server.

8. Garrity teaches of a reservation control apparatus connected by a network to content providers for scheduling transmission of data to clients (Col 3, lines 33-50; Col 4, lines 44-58; Col 6, lines 33-49).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kusaba with the teachings of Garrity because both teachings deal with scheduling the transmission of content. Furthermore, the teachings of Garrity to provide a reservation control apparatus separate from the server would enhance the capability of Kusaba's system by providing a reservation server capable of communicating with a plurality of content providers, thereby allowing service reservation and scheduled delivery of content from the plurality of content providers.

10. Cao teaches a media delivery system, where the server provides the time of the server or synchronizes the user's time with the server (Col 32, lines 42-45).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba and Cao because both teachings deal with providing media to a user based on a predetermined schedule. In addition, the teaching of Cao to provide the current time of the server enhances Kusaba's method by informing the user so that the user may know exactly when the scheduled program will be delivered.

12. As per claim 3, Kusaba does not teach the server reservation method according to claim 1, further comprising at step of: changing a value of current time being used at said user

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terminal apparatus based on any difference between said current time reference value and said value of current being used at said user terminal.

13. Cao teaches a media delivery system, where the server provides the date/time of the server to the user or synchronizes the user's time with the server (Col 32, lines 42-45).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba, Garrity, and Cao because all three teachings deal with providing media to users based on a predetermined schedule. In addition, the teaching of Cao to provide the current time of the server would improve the system of Kusaba and Garrity by providing information that would inform the user of the proper time for content delivery.

15. As per claim 4, Kusaba teaches the server reservation method according to claim 1, wherein said predetermined processing executed by said processing server is processing of distributing content data by streaming to a requesting client terminal apparatus via the network (Col 4, lines 6-11; Col 6, lines 1-9. Video content is transmitted to the requested user.).

16. Claims 2, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusaba, Garrity, and Cao, and in view of Trewitt et al, US Patent #6,134,531 (Trewitt hereinafter).

17. As per claim 2, Cao teaches of synchronizing the user's time with the server's time. However, Kusaba, Garrity, and Cao do not specifically teach the server reservation method further comprising steps of: calculating a difference in real time between said current time

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reference value and a value of current time indicated at said user terminal apparatus; and notifying the user of said user terminal apparatus of said difference in real time.

18. Trewitt teaches of calculating the difference between the client's clock and the server's clock, and notifying the client of the difference by having the client download an applet into the browser (Col 4, lines 60-67; Col 5, lines 29-39).

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba, Garrity, Cao, and Trewitt because the teaching of Trewitt to calculate the difference in time between the client's local time and the server's time would enhance the system of Kusaba, Garrity, and Cao by allowing the client to synchronize its clock with the server's clock, which would allow the client to receive content according to the server's time.

20. As per claims 5 and 7, Kusaba, Garrity, and Cao taught the server reservation method according to claim 1, further comprising steps of: acquiring said current time reference value at said processing server used for determining when said reservation state of said processing server will permit access by the user terminal apparatus to the processing server for using the processing server during said desired service time. However, Kusaba does not teach said desired service time from a predetermined network time protocol (NTP) server; and acquiring said current time reference value at said reservation control apparatus that is transmitted in said transmitting step, from said predetermined network time protocol (NTP) server.

21. Trewitt teaches of a server obtaining its current time from the NTP or by a client communicating with the NTP (Col 4, lines 14-21).

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22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kusaba, Garrity, Cao, and Trewitt because the teaching of Trewitt to synchronize the client's or server's clock with the NTP would improve system of Kusaba, Garrity, and Cao by providing an accurate synchronization since the NTP can synchronize computer clock times to milliseconds.

Response to Arguments

23. Applicant's arguments with respect to claims 1, 6, and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24. This action is non-final due to Applicant's filing of RCE.

25. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

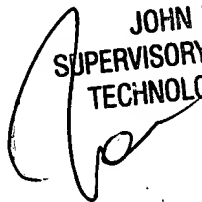
28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 20, 2006

JJ

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100